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14.08.
2023
Ct. No.14

WPA 17373 of 2023

Abhishek Debnath & Ors.
Vs.
The State of W. B. & Ors.

Mr. Himangshu Ghosh
Mr. Hemanta Kumar Das
.....For the Petitioners
Mr. Suman Sengupta
Ms. Reshma Chatterjee
.....For the State
Mr. Ankit Agarwala
Mr. Subir Debnath
Ms. Rama Roy
.....For the Respondent Nos. 5 & 6

This is an application under Article 226 of the Constitution of India alleging police inaction in respect of a complaint filed by the petitioners against the illegal activities of the private respondents.

Report filed on behalf of the State is taken on record.

Copy of the same is handed over to the learned counsels for the other sides.

Learned counsel appearing on behalf of the State relies on the report and submits as follows. A specific FIR being Nabadwip P. S. Case No. 311 of 2023 dated 15.06.23 under Sections 406/420 of the Indian Penal Code has already been registered on the direction passed under Section 156(3) of the Code seeking investigation.

Learned counsel for the State points out that although the petitioners have annexed a copy of the said FIR in the writ

petition, yet they have gone on to allege police inaction.

Learned counsel for the respondent nos. 5 and 6 denies the allegations

I have heard the submissions of the learned counsels for the parties and have perused the writ petition.

It appears that the police have acted on the direction passed by the learned Magistrate under Section 156(3) of the Code. A specific FIR being Nabadwip P. S. Case No. 311 of 2023 dated 15.06.2023 was registered and this is well within the knowledge of the present petitioners.

The allegations are being investigated.

As such, there is no need to pass any further order.

The police shall conduct the investigation expeditiously and in accordance with law.

This order shall not preclude any of the parties to take any further recourse before the criminal court.

As affidavits were not called for, the allegations made in the writ petition are deemed not to have been admitted.

With these observations the writ petition is disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on urgent basis after completion of all necessary formalities.

(Jay Sengupta, J.)

